

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARION BASFORD,	:
Plaintiff	:
v.	: Case No. 3:06-cv-21-KRG-KAP
MICHAEL J. ASTRUE, COMMISSIONER	:
OF SOCIAL SECURITY,	:
Defendant	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on April 13, 2007, docket no. 18, recommending that the defendant's motion for summary judgment, docket no. 16, be denied, that plaintiff's motion for summary judgment, docket no. 12, be granted in part, and that the decision of the Commissioner be vacated and remanded.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After review of the record of this matter and the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 29th day of May, 2007, it is

ORDERED that the defendant's motion for summary judgment, docket no. 16, is denied, the plaintiff's motion for summary judgment, docket no. 12, is granted in part, and the decision of the Commissioner is vacated and remanded for the award of benefits and further proceedings as stated in the Report and Recommendation, which is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record